



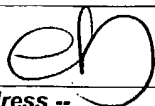
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,110	03/14/2001	Konstantinos Poulakis	41395	1483
7590	04/14/2004		EXAMINER KUHN, ALLAN R	
Mark S Bicks Roylance Abrams Berdo & Goodman Suite 600 1300 19th Street NW Washington, DC 20036			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/787,110	POULAKIS, KONSTANTINOS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Allan Kuhns	1732	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. After further search and reconsideration, the finality of the Office action mailed July 8, 2003 is hereby withdrawn in order to introduce the following new ground of rejection and to further explain the examiner's interpretation of the instant claim language.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wigner et al. (4,673,542) as set forth in the rejection of claims 8-10, 12, 14 and 16-17 in the previous Office action in view of Hatch (4,814,036). Wigner et al. disclose or suggest the basic claimed method and adhesive closing part but do not teach a cover having a plurality of ferromagnetic components. However, such is taught by Hatch at column 5, lines 35-46. It would have been obvious to one of ordinary skill in the art to substitute the use of a pair of smaller magnets, as taught by Hatch, into the process and article structure of Wigner et al. since Hatch indicates that either a centrally located ferromagnetic system or one wherein a pair of magnets are located at edge portions of the structure would be effective.

Concerning claims 11 and 15, Hatch teaches or suggests positioning ferromagnetic components at edge portions of the structure cooperating with

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retaining elements in the foam injection mold generating a magnetic field, the retaining elements being in the form of permanent magnets.

4.Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5.Applicant's arguments filed January 6, 2004 have been fully considered but they are not persuasive. First of all, the examiner recognizes that applicant's adhesive closing part structure is at least somewhat different than those of the prior art relied upon. But it is still the examiner's position that the instant claims are readable on the prior art relied upon.

Applicant argues that the liner 50 of Wigner et al. does not satisfy any of the claim limitations since it does not have any adhesive elements extending from it. But claim 8 requires "a base with adhesive elements extending from a surface thereof, said base having variable width edge portions free of adhesive elements such that the base forms a foam retaining cover projecting laterally beyond an area of the base supporting the adhesive elements" and claim 17 requires "adhesive elements extending from said first side of said cover between said edge portions, said edge portions being free of said adhesive elements". In other words, applicant's claims do not require adhesive elements extending from a liner.

Applicant further argues that the Wigner side portions 50a and 50b are not coplanar with the free ends of hooks 34a, noting that hooks 34a extend into recess 44. The examiner considers this issue with regard to free ends of the

adhesive elements being in one plane with edge portions of the adhesive closing part as the main reason why agreement has not been reached yet. To the examiner, applicant has not defined the plane sufficiently. Assuming that the free ends of hooks 34a extend into recess 44, a portion of liner 50, which also extends into recess 44 and represents a lower edge portion of the structure, would fall in the same plane as those free ends if a plane parallel to the main mold surface of Wigner et al. but below the mold surface running through the free ends was regarded as the one plane. In addition, it is the examiner's position that the instant claim language is such that the one plane could be chosen as the plane represented by Fig. 5 of Wigner et al. (i.e., a plane perpendicular to the mold surface which contains all of the claimed elements).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianne, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Allan R. Kuhns*  
ALLAN R. KUHNS  
PRIMARY EXAMINER AU 1732  
4-8-04